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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/011,797	07/23/98	PARMENTIER	M VANMA72.001A

HM12/1222
KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
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EXAMINER
CROUCH, D

ART UNIT	PAPER NUMBER
1632	6

DATE MAILED: 12/22/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/011,797

Applicant(s)

Patent Title

Examiner

Deborah Cruch

Group Art Unit
1632



☐ Responsive to communication(s) filed on _____

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-58 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-58 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 35-42 and 47, drawn to polynucleotides, vectors and peptides.
- II. Claims 43 and 44, drawn to an inhibitory antibody against the peptide.
- III. Claims 43 and 44, drawn to an inhibitory antibody against a receptor of the peptide.
- IV. Claims 43 and 45, drawn to an inhibitory antisense oligonucleotides.
- V. Claims 43 and 46, drawn to an inhibitory antagonist to a receptor of the peptide.
- VI. Claim 48 and 49, drawn to a pharmaceutical composition comprising an isolated polynucleotide or a vector comprising a polynucleotide.
- VII. Claim 48 and 49, drawn to a pharmaceutical composition comprising an isolated peptide.
- VIII. Claim 48 and 49, drawn to a pharmaceutical composition comprising an inhibitor against the peptide.
- IX. Claim 50, drawn to a transgenic animal.
- X. Claims 51 and 52, drawn to methods of recovering an antagonist or agonist by receptor binding.

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- XI. Claim 53 and 54, drawn to antagonist.
- XII. Claim 53 and 54, drawn to agonist.
- XIII. Claim 55 and 56, drawn to a pharmaceutical composition comprising an antagonist.
- XIV. Claims 55 and 56, drawn to a pharmaceutical composition comprising an agonist.
- XV. Claim 57, drawn to a diagnostic and/or dosage device comprising an inhibitor of a polynucleotide.
- XVI. Claim 57, drawn to a diagnostic and/or dosage device comprising an peptide.
- XVII. Claim 57, drawn to a diagnostic and/or dosage device comprising a receptor.
- XVIII. Claim 58, drawn to a method of treatment by administering an inhibitor.
- XIX. Claim 58, drawn to a method of treatment by administering a polynucleotide encoding an inhibitor.

The inventions listed as Groups I-XIX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: PCT Rules do not provide for the examination of plural and independent methods of using and plural and independent compositions.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Crouch, Ph.D. whose telephone number is (703) 308-1126.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

The fax number is (703) 308-4242.

Deborah Crouch

DEBORAH CROUCH
PRIMARY EXAMINER
GROUP 1800-1630

Dr. D. Crouch
December 20, 1999